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C O N F I D E N T I A L LJUBLJANA 000067

SIPDIS

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TAGS: PREL PGOV KCOR PINR SI

SUBJECT: COM CALLS ON DIRECTOR OF SLOVENIA'S CORRUPTION

PREVENTION OFFICE, DRAGO KOS

REF: 04 LJUBLJANA 754

Classified By: COM Thomas B. Robertson Reasons 1.4 (b) and (d)

¶1. (C) Summary. In a January 27 courtesy call, COM met with Drago Kos, the head of Slovenia's newly independent Commission for the Prevention of Corruption, (CPC). Kos explained the CPC was established as an independent Commission to address the issue of preventing corruption. It has no investigative or prosecutorial powers. Despite some recent successes, Kos said the CPC would be unable to fulfill its mandate due to lack of resources. Kos also suggested that the very survival of the Commission was at risk under the new government. Prime Minister Janez Jansa has stated publicly that he wants a corruption commission with "teeth" and the current CPC does not fit his vision. COM commended Kos for his efforts saying that fighting corruption was no easy task and assured him that the USG supported the work of the Commission. Kos asked whether COM could publicly demonstrate his support for the CPC by signing an MOU on behalf of the U.S. Office of Government Ethics (OGE) which has cooperated extensively with the CPC. COM took on board the idea of concluding an MOU, but believes that the issue of the CPC's future must be settled first. End summary.

¶2. (U) On January 27, COM, accompanied by Pol/Econ Chief and Public Diplomacy Officer, met with CPC Director Drago Kos and CPC Commissioner Bojan Dobovsek. Kos briefly explained the work of the Commission and emphasized that its focus was on prevention rather than prosecution. (NOTE: See Reftel for background on Commission. END NOTE) According to Kos, the CPC seeks to prevent corruption by establishing regulations to prevent conflicts of interest in the public administration; developing "integrity plans" (codes of conduct) for public institutions; drafting appropriate legislation to prevent corruption in the legislature, public administration, judiciary, media, civil society, and corporate sector; educating the public about corruption. Kos also emphasized that the CPC does not have investigative or prosecutorial powers.

¶3. (U) As an example of the Commission's preventive mandate, Kos said the CPC had recently designed, and parliament had ratified, a new financial disclosure form for all parliamentarians, mayors, municipal council members, ministers, and state secretaries (deputy secretary equivalents). The law on financial disclosure, which was confirmed by parliament on December 20, 2004, mandates that the forms be updated annually and that tax returns, including those of immediate family members, be appended. Kos said the CPC had distributed around 5,000 disclosure forms. Individuals who are required to complete these forms must do so within 60 days or their salaries will be reduced by 10 percent for each month of tardiness.

WILL CPC BE DISMANTLED?

¶4. (C) Kos told us he was worried the Commission would be unable to fulfill its mandate because the new government was making statements indicating it would seek to "dismantle" the CPC. Kos told us the coalition agreement signed by the members of the current government specifically mentioned that "public institutions without powers will be dismantled." Kos said he feared the CPC would be considered a "powerless" institution because it lacked prosecutorial and investigative powers. He also said that Jansa, Minister of Public Administration Gregor Virant, and numerous other members of the government coalition had supported the December 2003 Law on the Prevention of Corruption that established the Commission, but that now "times have changed." Kos said he had met several times with Virant, and that he had confirmed the CPC was under serious scrutiny and might be abolished. Kos intimated that the government might do away with the CPC either by passing a new law that would establish a parallel structure, or by simply depriving the Commission of the resources it needs to fulfill its mandate.

¶5. (U) Asked by COM about the status of Slovenia's ratification of the UN Convention Against Corruption, Kos responded that he believed there was support for it in the

new government but that a lack of personnel at the Ministry of Justice had slowed the preparation of documents. Nevertheless, he thought it was still a high priority at the Ministry of Justice.

16. (C) COM expressed support for the work of the Commission and commended Kos for taking on the difficult task of

fighting corruption in a small country where "everyone knows everyone." Kos asked COM whether he would be willing to publicly support the Commission by signing an MOU with the CPC on behalf of the U.S. Office of Government Ethics. Kos told us that the Commission had benefited greatly from its cooperation with OGE and that the public signing of an MOU would send a strong signal of support for the CPC. COM replied that he would consider the request.

COMMENT

17. (C) Throughout the meeting, Kos was very careful to skirt an important fact associated with his current conflict with the government: namely, the deep personal enmity that exists between him and Prime Minister Janez Jansa (see reftel). This enmity harkens back to Kos's investigation of the Ministry of Defense and its involvement in illicit arms trafficking in the early 1990s when Jansa was Defense Minister. The investigation ultimately forced Jansa to resign as Minister of Defense though he was not implicated personally in the wrong-doing. In turn, Jansa accused Kos of being unfit to serve in his current position and made public statements to that effect during Kos's parliamentary confirmation hearing in April of 2004. Although Kos has a solid reputation for seeking out corruption wherever it lies, he is clearly viewed by PM Jansa with great suspicion, not only for his past actions but also as a strong supporter of his political arch-rival, former President Milan Kucan.

18. (C) Subsequent to the meeting with Kos, COM had an opportunity to raise this issue directly with the Prime Minister during an unrelated phone call. Jansa admitted "we have some troubles with the Commission." COM pushed back by underscoring the importance of corruption prevention as well as prosecution, emphasizing the progress Slovenia has made in this area and noting previous USG support for the work of the Commission. Jansa replied, however, that "Slovenia may have to go about handling it differently." Because of deep seated animosity, we suspect, rooted in events over a decade old (as described above), Janez Jansa appears to be working to maneuver Kos out of a job. Unfortunately, the only way for Jansa to legally remove Kos requires a change of law that would, in turn, involve dismantling the Commission altogether. Given the deeply personal nature of this conflict, and the very good relations the Embassy has with both parties, Post will look for ways to support the work of the Commission and its mandate without inserting itself publicly into this dispute. Post believes that signing the MOU should be delayed in the immediate future until we have a better sense of what the fate of the current Commission may be.

ROBERTSON

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